REMARKS

By this amendment, claims 1-23 are pending, in which no claims are canceled, withdrawn from consideration, or newly presented, and claim 16 is currently amended. No new matter is introduced.

The Office Action mailed August 18, 2009 rejected claim 16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, claims 1, 2, and 11-23 under 35 U.S.C. § 102(b) as anticipated by *Savatier* (US 5,400,075), claims 3, 5, and 16 as obvious under 35 U.S.C. § 103 based on *Savatier* (US 5,400,075) in view of *Tahara et al.* (US 5,805,225), claims 4 and 16 as obvious under 35 U.S.C. § 103 based on *Savatier* (US 5,400,075) in view of *Carnahan* (US 5,414,780), claims 6, 7, and 16 as obvious under 35 U.S.C. § 103 based on *Savatier* (US 5,400,075) in view of *Kato et al.* (US 5,719,986), claims 8 and 16 as obvious under 35 U.S.C. § 103 based on *Savatier* (US 5,400,075) in view of *Weinberger et al.* (US 5,680,129), and claims 9 and 10 as obvious under 35 U.S.C. § 103 based on *Savatier* (US 5,400,075) in view of *Moroney et al.* (US 5,771,239).

The rejection of claim 16 under 35 U.S.C. § 101 is respectfully traversed.

To whatever extent a "computer readable medium" may read on a carrier wave, claim 16 has now been amended to clarify that the medium is a "computer readable **storage** medium." Since a "carrier wave" is not a physical storage medium, the amended claim cannot encompass carrier waves. Therefore, claim 16 is directed to statutory subject matter and the Examiner is respectfully requested to withdraw the rejection of claim 16 under 35 U.S.C. § 101.

The rejection of claims 1, 2, and 11-23 under 35 U.S.C. § 102(b) is respectfully traversed.

As explained on page 4 of the principal Appeal Brief of May 31, 2007, the claimed invention addresses a need for efficient video compression by fine-tuning post-motion compensation compression through exploitation of commonalities in I-frame data versus non-I-frame data (e.g., P- and B- frames). In accordance with one aspect of the invention, video frames that are **only between consecutive I-frames** (claims 1, 17, 19, 22) or are otherwise consisting of non-intra video frames (claim 21) are grouped into a video data set. The video data set is split into a plurality of data sequences (claims 19, 21, 22) or homogenous files (claims 1, 17) and individually compressed (claims 1, 17, 19, 21, 22).

Savatier suffers from the same deficiencies as the *Gonzalez* and *Wu* references that were applied in rejections that were reversed by the Board of Appeals in its decision of April 28, 2009. That is, *Savatier* is silent as to whether or not the P-frames and the B-frames between two I-frames are compressed independently of any other frames and *Savatier* is equally silent as to grouping video frames that are **only** between consecutive I-frames into a video data set as set forth in independent claims 1, 17, 19, and 22, and splitting the video data set **consisting of non-intra video frames** into a plurality of data sequences as set forth in independent claim 21.

The Office Action refers to Fig. 1 and col. 2, lines 44-62, of *Savatier* as disclosing these claimed features. However, reference to Fig. 1 of *Savatier* clearly shows a first group of frames GOFi **including two I-frames**, as well as a second group of frames GOFi+1 **including two I-frames**. The description of this figure, at col. 2, lines 44-62, of *Savatier*, does not contradict this clear showing in the drawing of I-frames being included within the two groups, GOFi and GOFi+1.

Accordingly, since the groupings of video frames in *Savatier*, relied upon in the Office Action, do **not** disclose "grouping video frames that are **only between consecutive I-frames** into

a video data set," as in claim 1, for example, but similar features are recited in the other independent claims, *Savatier* cannot anticipate the subject matter of independent claims 1, 17, 19, 21, and 22.

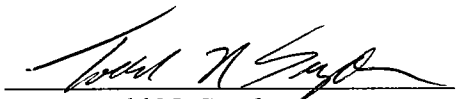
For at least this reason, *Savatier* does not anticipate claims 1, 2, and 11-23 under 35 U.S.C. § 102(b). Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, and 11-23 under 35 U.S.C. § 102(b).

Further, there has been no establishment of a *prima facie* case of obviousness, within the meaning of 35 U.S.C. § 103, with regard to the subject matter of dependent claims 3-10, and 16, because the teachings of *Tahara et al., Carnahan, Kato et al., Weinberger et al.,* and *Moroney et al.* fail to cure the noted shortcomings in the teachings of *Savatier.* Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 4, 6-10, 15, and 16 under 35 U.S.C. § 103.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0383 and please credit any excess fees to such deposit account.

Respectfully Submitted,
ATTORNEY FOR APPLICANTS



By: Todd N. Snyder
Registration No. 41,320

Date: November 18, 2009

The DIRECTV Group, Inc.
CA/LA1/A109
2230 E. Imperial Highway
El Segundo, CA 90245
Telephone No. 310-964-0560